

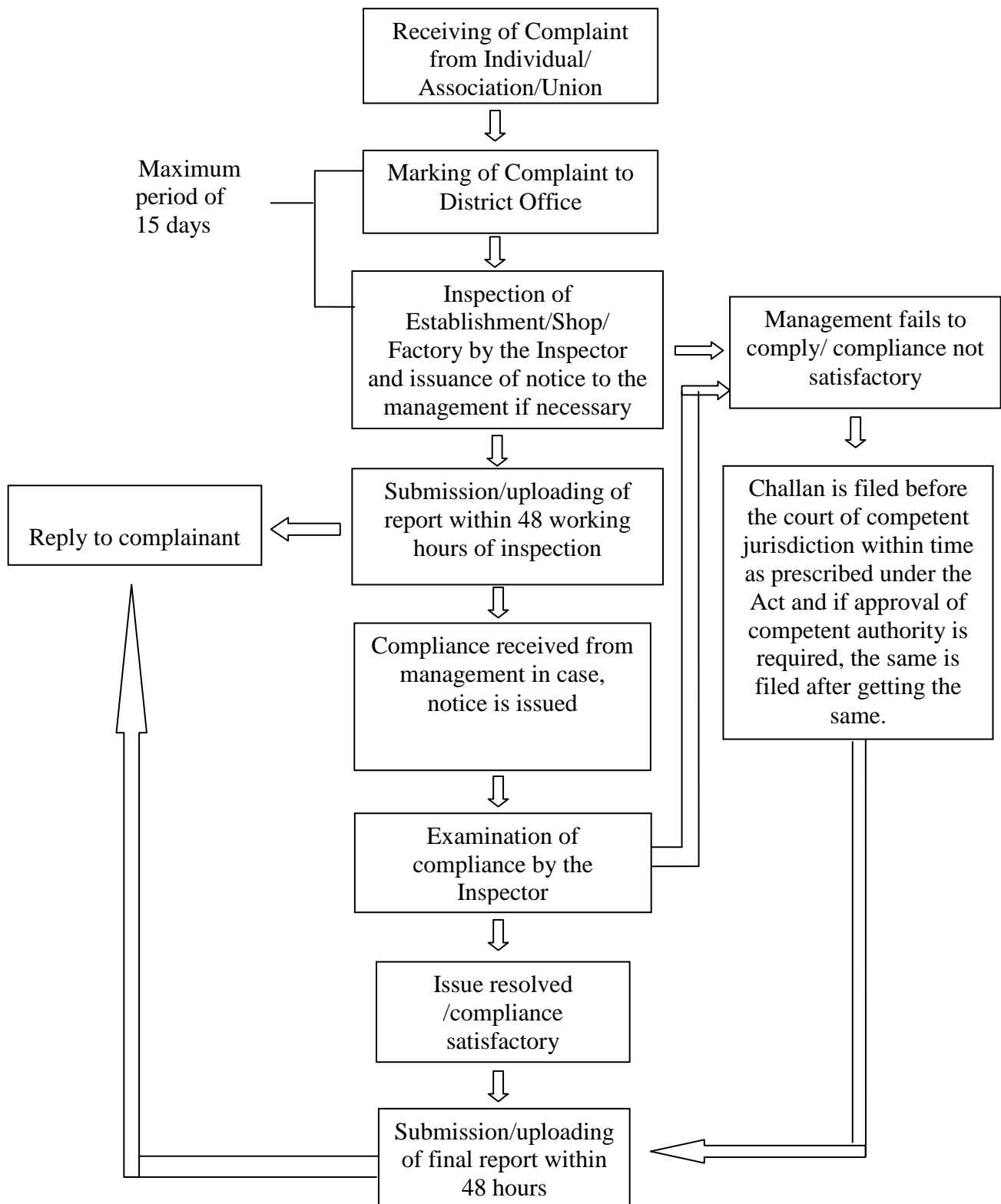
INSPECTION PROCEDURE FOR CARRYING OUT INSPECTIONS BY LABOUR DEPARTMENT, GOVT. OF NCT OF DELHI

1. Presently no sou- moto inspection is carried out by the Labour Department, Govt. of NCT of Delhi.
2. Inspections are carried out by Inspectors on the basis of complaints or references received from commissions, various departments, Ministries etc. or on directions received from higher authorities.
3. The Complaints are generally received from workers, trade unions representing workers.
4. Inspections are carried out by Inspectors normally within 15 days of receipt of complaint.
5. Notices under various Labour Laws are issued to the Employer on the spot for compliance of irregularities detected during the course of inspection.
6. Inspection reports are put up within 48 working hours of inspection to higher authorities and will be uploaded on website as soon as online system is operationalized.
7. For non-compliances, which are not complied with by the management despite issuing notices, prosecution besides taking other legal actions; is filed before the competent Court of Law.
8. A final report is submitted to higher authorities after completion of all administrative/legal process.

Inspection procedure under the provisions of the M.W.Act,1948, Delhi Shops & Establishments Act, 1954, Payment of Wages Act,1936, Payment of Gratuity Act, 1972, Equal Remuneration Act, 1976, Payment of Bonus Act, 1965, Contract Labour (R & A) Act, 1970

Steps to be taken during inspection	Time for each step/task
a) Receipt of reference by the concerned inspector.	1 Day
b) Inspection of Shop/Establishment/ Factory by the Inspector & issuance of notice.	14 days
c) Submission of inspection report to higher authorities /uploading of report on website, as soon as online system is operationalized.	Within 48 working hours of inspection.

Flow Chart of Inspection Carried out under the provisions of the M.W.Act,1948, Delhi Shops & Establishments Act, 1954, Payment of Wages Act,1936, Payment of Gratuity Act, 1972, Equal Remuneration Act, 1976, Payment of Bonus Act, 1965, Contract Labour (R & A) Act, 1970



INSPECTION UNDER THE PAYMENT OF BONUS ACT, 1965 AND RULES
FRAMMED THERE UNDER

PART-1 General

1. Nature of Business Factory/Establishment
2. Number of workers employed
- (a) Men (b) Women (c) Adult (d) Children-
3. No. of employees entitled for payment of bonus.
4. Wage Period
5. Date of Payment of Wages
6. Rate of payment of Bonus.
7. Date on which bonus for last financial year was paid
8. Mode of payment of Bonus
9. No. of employees, who have been paid bonus.
10. No. of employees who have not been paid bonus and the reason thereof.

PART-II Registers & Records

1. Certified copies of Profit and Loss A/c and Balance Sheet for the relevant year.
2. Attendance and payment of wages registers for the relevant year.
3. Computation Chart under schedule 2nd and 3rd of the Payment of Bonus Act, 1965.
4. Computation Chart under Income Tax Act for Depreciation and Income Tax.
5. Register A under the Payment of Bonus Act, 1965 for the relevant year.
6. Register B under the Payment of Bonus Act, 1965 for the relevant year.
7. Register C under the Payment of Bonus Act, 1965 for the relevant year.

PART-III Return

1. Whether annual return in Form D submitted. Yes/No

INSPECTION UNDER THE DELHI SHOPS & ESTABLISHMENTS ACT, 1954
AND RULES FRAMED THEREUNDER

PART-1 General

- | | |
|--|--------------------|
| 1. Nature of Business | Shop/Establishment |
| 2. Number of workers employed | |
| (a) Men (b) Women (c) Young Persons (d) Children- | |
| 3. Whether Registration Certificate Obtained | Yes / No |
| 4. Whether Registration Certificate is valid | Yes / No |
| 5. Whether Shop or establishment has obtained
any exemption under the Act (under Section 4) | Yes/No |
| 6. Wage Period | |
| 7. Date of Payment of Wages | |
| 8. Mode of Payment | Cash/ Cheque/ECS |

PART-II OBSERVATIONS

- | | |
|--|--------|
| 1. Whether spread over is being observed as prescribed under the Act and during the period of rest, the workers are free to leave the place | Yes/No |
| 2. Whether any child was found employed | Yes/No |
| 3. Whether the working hours and timings in case of young persons, women are being adhered to. | Yes/No |
| 4. Whether opening & closing hours are being observed. | Yes/No |
| 5. Whether close day is being observed, if not, whether the employees are being provided weekly holiday. | Yes/No |
| 6. Whether the employees are called for duty on National Holidays. If yes, whether they are being paid overtime wage and a compensatory holiday in lieu thereof. | Yes/No |
| 7. Whether any deduction from wage is being made other than specified in section 20 (2) | Yes/No |

8. Whether any fine imposed or deduction made on account of damage or loss to the employer caused by employee has been explained to him personally and also in writing.

Yes/No

9. Whether fine realized is being utilized in accordance with the directions of the government.

Yes/No

Whether the employees are being allowed privilege leave (15 in a year) and casual/sick leave (12 in a year)

Yes/No

PART-III Registers, Notices & Records

REGISTERS

1. Register of Employment & Remuneration (in Form-G) (under Rule 14).

OR

Register of Employment and Remuneration of Employees (in Form-H) and Register of Leave (in Form-I) (under Rule 14).

➤ Whether following notices have been displayed or given

1. Notice of Holiday (in Form-J) (under Section 17 read with Rule 14(2)).

Yes / No

2. Notice under Section 33 of the Delhi Shops & Establishment Act, 1954, to be Exhibited Conspicuously at the Premises of the Establishment (in Form-K) (under Rule 14).

Yes/No

3. Notice of close day or a change in close day (in form E) (under Rule 8).

Yes/No

4. Notice of change (in Form D)(under Rule 6)

Yes/No

➤ Whether appointment letters have been given to Employees (under Section 34)

Yes/No

PART-IV Hours of Employment & Weekly Holidays

1. No. of Shift in Force
2. Working Hours in Force:
 - (a) From To Rest Intervals From To
 - (b) From To Rest Intervals From To
 - (c) From To Rest Intervals From To
 - (d) From To Rest Intervals From To
3. Whether notice of period of work displayed Yes / No
4. Whether close day is being observed Yes / No
5. Whether employees are retained on overtime and if yes overtime wages are paid and maximum overtime hours are adhered to Yes/No

PART-V Health & Safety

1. Cleanliness Satisfactory/Unsatisfactory
2. Ventilation and Lighting Satisfactory/Unsatisfactory
3. Drinking Water Yes / No
4. Precaution against Fire Yes / No

PART VI Child/ Young Persons

1. Particulars of child workers if any found on work
2. Particulars of young workers if any found on work

INSPECTION UNDER EQUAL REMUNERATION ACT, 1976 AND RULES
FRAMED THEREUNDER

PART-1 General

1. Nature of Business Shop/Establishment/Factory
2. Number of workers employed
- (a) Male (b) Female

PART-II Observation

1. Whether there is any difference in wages to the workers of opposite sex, performing same work or work of similar nature Yes/No
2. Whether the employer has reduced the rate of remuneration of any workers for the purposes of complying with the provision of this Act. Yes/No
3. Whether any discrimination observed while recruiting Men & Women workers except where the employment of women in such work is prohibited or restricted by or under any Law for time being in force. Yes/No
4. Whether any discrimination observed while promoting, training or transfer except where employment of women is restricted. Yes/No

PART-III Registers

- Whether Form-D under Rule 6 maintained. Yes/No

INSPECTION UNDER PAYMENT OF WAGES, 1936 AND RULES FRAMED
THEREUNDER

PART-1 General

1. Nature of Business Factory/Workshop/Construction/Others(Please specify)
2. Number of workers employed
 (a) Men (b) Women (c) Adult (d) Children-
3. Wage Period
4. Date of Payment of Wages
5. Mode of Payment Cash/Cheque/ECS

PART-II Observation

1. Whether any deduction not permissible under the Act has been observed. If yes Please specify. Yes/No
2. Whether deductions are within the limit as prescribed under the Act. Yes/No
3. Whether deduction damage or loss cause to the employer was due to neglect or default of the employed person concerned. Yes/No
4. Whether any opportunity of showing cause was given to the employed person before making any deduction. Yes/No
5. Whether all deductions & realizations have been recorded in the register kept with person responsible for payment of wages. Yes/No
6. Whether approval of GNCT of Delhi has been obtained in respect of acts & omissions has been obtained on which fine may be imposed Yes/No
7. Whether notice specifying such acts & omissions found exhibited in the premise. Yes/No
8. Whether any fine has been imposed on any employee from the date of previous inspection to till date. If yes, the details thereof with total amount of fine, period of recovery. Yes/No
9. Whether all fines & realizations have been recorded in the register kept with person responsible for payment of wages. Yes/No

10. Whether deduction on account of providing house accommodation amenity or service has been accepted by employee. Yes/ No

11. Whether abstract of the Act and Rules made thereunder in Form-V displayed. Yes/No

PART-III Registers

1. Wages register.
2. Register of advance.
3. Register of fine
4. Register of deductions.
5. Nomination and Declaration Form(in Form-I).

PART-IV Return

1. Whether Annual return in **Form No. IV** submitted. Yes/No

INSPECTION UNDER PAYMENT OF GRATUITY ACT, 1972 AND RULES
FRAMED THEREUNDER

PART-1 General

1. Nature of Business Shop/Establishment/Factory
2. Number of workers employed
(a) Men (b) Women (c) Adult (d) Children
3. Maximum number of Employees employed on any day of the preceding 12 month

PART-II Observations

1. No. of employees superannuated/retired/resigned/died or disabled due to accident or disease alongwith details during the period of previous visit till date.
2. No. of employees who have been paid their gratuity and mode of payment.
3. No. of employees, who have not been paid their gratuity and reason in brief.
4. Whether notice of opening in Form-A or change in name, address, employer or nature of business given to Controlling Authority of the area within stipulated time.
Yes/No
5. Whether name of officer with designation is displayed at conspicuous place at or near the main entrance of the establishment in English and Hindi. Yes/No

PART-III Registers, Notices & Records

Whether following notices/records have been displayed/ maintained:-

1. Notice of Opening (in Form-A) (under Rule (1) of Rule 3). Yes/No
2. Notice of Change (in Form-B) (under Rule (2) of Rule3). Yes/No/NA
3. Notice for Excluding Husband From Family (in Form-D)(under Rule (1) of Rule 5). Yes/No
4. Notice of withdrawal of Notice for Excluding Husband from Family (in Form-E) (under Rule (2) of Rule-5). Yes/No
5. Nomination (in Form-F) (under Rule (10) of Rule 6). Yes/No

6. Fresh Nomination (in Form-G) (under Rule (3) of Rule 6) Yes/No
7. Modification of Nomination (in Form-H) (under Rule (4) of Rule 6). Yes/No
8. Abstracts of the Act & Rules (in Form-U) (under Rule (20)). Yes/No

INSPECTION UNDER THE CONTRACT LABOUR (R & A) ACT, 1970 AND RULES

FRAMMED THERE UNDER

PART-1 General

1. Nature of Business Factory/Establishment/others (please specify)
2. Whether seasonal or perennial
3. Number of workers employed directly by PE
4. Number of contract workers employed-
(a) Men (b) Women (c) Adolescent/young (d) Children
5. Maximum number of contract workers employed on any day preceding 12 months.
6. Date Commencement of work.
7. Details of Contact Work.
8. Details of Contractors (e.g. name & address with no. of workers).
9. Whether Registration Certificate (under Section 7) has been obtained Yes/No
10. Whether all changes have been got endorsed in Registration Certificate. Yes/No
11. Whether Licences (under Section 12) have been obtained by contractors Yes/No
12. Wage Period
13. Date of payment of wages.
14. Mode of payment. Case/Cheque/ECS
15. No. of Shifts.
16. Working hours in force.
(a). Form _____ to _____ rest interval Form _____ to _____.
(b). Form _____ to _____ rest interval Form _____ to _____.
(c). Form _____ to _____ rest interval Form _____ to _____.
(d). Form _____ to _____ rest interval Form _____ to _____.

OBLIGATION ON THE PART OF PRINCIPAL EMPLOYERS

PART-II Registers, Notices & Records & Returns

➤ REGISTERS

1. Register of contractors (in form-XII)- Rule 74

➤ Whether following notices have been sent/displayed:-

1. Notice of commencement of the contract work (in form-VI B)- Rule 25 (2)(viii).

2. Notice showing the rates of wages, hours of work, wages period, date of payment, name and address of inspectors, having jurisdiction and the date of payment of unpaid wages (under Rule 81 (I)(i).

➤ Whether Certificate at the end of the wages register of the contractor that “Payment to workmen made in my presence” (under Section 21 (2) read with Rule 72 & 73).

Yes/No

➤ Whether due amount of wages have been paid to the contract workmen (under Section 21(4)).

Yes/No

➤ Whether annual return (in Form-XXV) submitted

Yes/No

OBLIGATION ON THE PART OF CONTRACTOR

PART-III Register, Notices, Returns & Records

➤ REGISTERS

1. Wage Slip (under Rule 78 (1)(b)).

2. Employment Cards (under Rule 76).

3. Muster Roll(in Form-XVI) and Attendance Register (in Form XVII) (under Rule 78(1) (a) (i)).

4. Register of persons employed (in Form-XIII) (under Rule 75).

5. Register of Advance (under Rule 78(1) (a) (ii)).

6. Register of overtime (under Rule 78(1) (a) (iii)).

7. Service Certificate (under Rule 77)
 8. Register of deductions for damage or loss (in Form-XX) (under Rule 78 (1) (a) (ii)).
 9. Register of fines (in Form-XXI) (under Rule 78(1) (a) (ii)).
- Whether following notices have been sent/ displayed Yes/No
1. Notice of commencement of the contract work (in form-VI A)
 2. Notice showing the rates of wages, hours of work, wages period, date of payment, name and address of inspectors, having jurisdiction and the date of payment of unpaid wages (under Rule 81 (I)(i)).
 3. Notice showing the wage period and place & time of disbursement of wages (under Rule 79).
- Whether Half Yearly Return and the date of submission (in Form- XXIV) (under Rule 82(1)). Yes/No

PART- IV Welfare and Health

Welfare & Health related provisions are the responsibility of contractor and failing to comply with, these should be provided by Principal Employer

- Whether the following amenities have been provided
1. Canteen (under Section 16 read with Rule-42, 43, 45, 46, 47) (If one hundred or more contract labours are employed). Yes/No
 2. Dining Hall. Yes/No
 3. Rest Room (under Section 17 read with Rule-40) (If the contract workers are required to halt at night) Yes/No
 4. First Aid Box (under Section 19 read with Rule 58 to 62) Yes/No
 5. Urinals & latrines for the use of workers (under Rule-51) Yes/No
 6. Drinking Water (under Rule-410) Yes/No
 7. Washing Facility (under Rule- 40 & 57) Yes/No

**INSPECTION UNDER THE MINIMUM WAGES ACT, 1948 AND RULES
FRAMED THEREUNDER**

PART-1 General

1. Nature of Business Factory/Establishment/Shop
2. Number of workers employed
(a) Men (b) Women (c) Adult (d) Children
3. Wage Period
4. Date of Payment of Wages
5. Mode of payment Cash/Cheque/ECS

PART-II Registers & Records

Whether following Registers/ records have been maintained:-

1. Register of fine (in Form-I) (under Rule 21(4). Yes/No
2. Register of deduction for damage or loss (in Form-II) (under Rule 21(4). Yes/No
3. Overtime Register for workers (in Form- IV) (under Rule 25(2). Yes/No
4. Muster Roll (in Form-V)(under Rule 26(5)). Yes/No
5. Abstracts of Minimum Wages Act, 1948 and Rules Framed Thereunder (in Form-IX A) (under Rule 22). Yes/No
6. Register of Wages (in Fomr-X) (under Rule 26(1). Yes/No
7. Wages Slip (in Form-XI) (under Rule 26(2). Yes/No

PART-III Return

Whether Annual Returns submitted (in Form-III)(under Rule 21(4A).

Yes/No